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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,054	03/09/2005	Daiji Ido	732156.469USPC	6833
96896	7590	10/27/2010		
Seed Intellectual Property Law Group PLLC		EXAMINER		
701 Fifth Avenue, Suite 5400		WANG, RONGFA PHILIP		
Seattle, WA 98104		ART UNIT	PAPER NUMBER	
		2191		
		NOTIFICATION DATE		DELIVERY MODE
		10/27/2010		ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jeffs.docketing@seedip.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,054	<b>Applicant(s)</b> IDO ET AL.
	<b>Examiner</b> PHILIP WANG	<b>Art Unit</b> 2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 12 August 2010.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-11 and 13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 and 13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/GS-68)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Detail Action***

1. This office action is in response to amendment filed on 8/12/2010.
2. Per Applicant's request, claims 1 and 13 have been amended.
3. Claims 1-11 and 13 are pending.

**Priority**

4. The priority date considered for this application is 3/13/2003.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-11 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The above amended claims include the limitation of "a media distribution setting section for associating the respective control information of the plurality of media data items with distribution priorities that corresponds to a respective classification of the plurality of media data items; and a distributing section for distributing the plurality of media data items and the respective control information to a plurality of receiving areas over different transmission distances according to the distribution priorities, each of the transmission distances being associated with a different bear channel and each of the bears channels being associated with

at least one of the plurality of receiving areas". The Applicant indicates support of this limitation is located in Patent Application No. 2006/0031513, [0053], and [0067-0070]. Related to the portion of the above limitation, "a distributing section for distributing the plurality of media data items and the respective control information to a plurality of receiving areas over different transmission distances according to the distribution priorities". Per specification [0053], the transmission distances are corresponding to the receiving areas, instead of over them. Fig. 3 has a good showing of such corresponding relationship. It does not appear that the specification discloses distributing media data items and control information to different areas according to distribution priorities. The distribution appears to be based on bearer channel(s) receivable in different receiving areas, wherein different receiving areas corresponding to transmission distances from a base station. Related to the portion of the above limitation, "each of the transmission distances being associated with a different bear channel", see Fig. 3, and [0067]-[0070]. Per [0067], for example, bearer channel 1 is associated with receiving areas L1-L4. Similarly, per [0068], bearer channel 2 is associated with receiving areas L2-L4. Base on this, a receiving area can be associated with multiple bearer channels. Specification, [0067-0070], specifically discloses such association is between receiving areas and bearer channels. Through receiving areas and transmission distances from a based station have corresponding relationship, they are considered different.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 1-11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. Independent claims 1 and 13 recite the limitation of "a plurality of receiving area over different transmission distances according to priorities..." Per specification [0053], the transmission distances are from a base station. Sending data items from New York to L.A. establishes a transmission distance over 2,462 miles, while the transmission distance from a base in the same scenario may be less than 1 mile. Based on this, essential limitation is not included in the claim limitations.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 8, 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of Johnson (USPTN 7,042,905).

As per claim 1,

Yonemoto discloses

**--a memory for storing a plurality of media data items and their respective control information** (Fig. 1 content transmission server stores content, where the server store many

media data items. [0164], "Fig. 8 shows a description example of "SMIL"...includes the reproduction information...layout information..." where the SMIL file contains control information);

**--a media distribution setting section for associating the respective control information of the plurality of media data items with distribution priorities that corresponds to a respective classification of the plurality of media data items;** ([0164], "Fig. 8 shows a description example of "SMIL"...includes the reproduction information...layout information..." where the SMIL file contains control information. See Fig. 1 for a network transmission environment. [0302], "...a priority of the "TOS field"...according to priority...important data can be transmitted to the receiving terminal more surely..." The TOS field is similar to what applicant has indicated support for the limitation in the specification, page 11. )

**A distributing section that distributes the plurality of media data items ([0113], "...Fig.**

**1...content transmission server 10 delivering broadcast media...") and the respective control information to the plurality of receiving area over different transmission distances, according to the distribution priorities;**

([0164], "Fig. 8 shows a description example of "SMIL"...includes the reproduction information...layout information..." where the SMIL file contains control information. See Fig. 1 for a network transmission environment. [0302], "...a priority of the "TOS field"...according to priority...important data can be transmitted to the receiving terminal more surely...")

, each of the transmission distances being associated with a different bear channel and each of the bears channels being associated with at least one of the plurality of receiving areas".

However, Johnson discloses

**--each of the transmission distances being associated with a different bear channel and each of the bears channels being associated with at least one of the plurality of receiving areas".**

( c1:29-33, "...bearer channel allocations...based on a demand pattern matched to traffic pattern..."; c7:15-20, "...within a coverage area...");

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Johnson into the teachings of Yonemoto to include the limitation disclosed by Johnson. The modification would be obvious to one of ordinary skill in the art to want to perform channel assignment to match traffic demand as suggested by Johnson (c1:29-33).

As per claim 3, the rejection of claim 1 is incorporated; Yonemoto discloses  
**wherein the media distribution setting section associates the control information and the distribution priorities, the control information comprising program control information for controlling an output form of a program comprised of the plurality of media data items in a media receiving apparatus**(additional to rejection in claim 1, [0164]. "Fig. 8 shows a description example of "SMIL"...includes the reproduction information...layout information..." where the reproduction information controls the layout. see Fig. 36 for a plurality kinds of media -- audio, video, text... ).

As per claim 8, the rejection of claim 3 is incorporated; Yonemoto discloses  
**wherein the program control information comprised layout information for positioning the plurality of media data items included in the program on a display apparatus of the media receiving apparatus**([0164], "Fig. 8 shows a description example of "SMIL"...includes the reproduction information...layout information...")

As per claim 10, the rejection of claim 3 is incorporated;  
Yonemoto discloses  
**wherein the program control information comprises a port number for distributing the program**([0141], "... a port number specified by...").

As per claim 11, the rejection of claim 3 is incorporated;  
Yonemoto discloses  
**the media distribution setting section sets the distribution priorities in a type of service field in an Internet protocol packet; and the distribution section forms the Interact protocol packet by providing the type of service field for each media data item read from the storing section, and distributes the Interact protocol packet to the media receiving apparatus using an Internet protocol.** ([0301], "...TOS field...in the IP header..."; [0302], "...utilizing a priority of the TOS field...according to priority...").

As per claim 13, it is a method claim reciting the essential limitations of claim 1 is rejected for similar reason set forth in the rejection of claim 1.

8. Claims 2, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of Johnson (USPTN 7,042,905) and further in view of Friesen et al. (herein Friesen, USPGN 2004/0114522).

As per claim 2, the rejection of claim 1 is incorporated;  
Yonemoto/Johnson does not specifically disclose  
wherein the media distribution setting section assigns the distribution priorities in ascending order of media data using a minimum bandwidth.

However, Friesen discloses  
**wherein the media distribution setting section assigns the distribution priorities in ascending order of media data using a minimum bandwidth ([0006], "...the low bandwidth streams must receive high priority treatment..." lower bandwidth having higher priority, therefore in ascending order.).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Friesen into the teachings of Yonemoto/Johnson to include the limitation disclosed by Friesen. The modification would be obvious to one of ordinary skill in the art to want to achieve bandwidth granularity as suggested by Friesen ([0006], "...to achieve bandwidth granularity...").

As per claim 5, the rejection of claim 3 is incorporated;  
Yonemoto discloses

**wherein the media distribution setting section ([0164], "Fig. 8 shows a description example of "SMIL"..."**

Yonemoto/ Johnson does not specifically disclose

Assigns a higher distribution priority to program control information related to a program requiring fewer kinds of media data items.

However, Friesen discloses

**Assigns a higher distribution priority to program control information related to a program requiring fewer kinds of media data items ([0006], "...the low bandwidth streams must receive high priority treatment..." low bandwidth streams require fewer kinds of media data items.).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Friesen into the teachings of Yonemoto/Johnson to include the limitation disclosed by Friesen. The modification would be obvious to one of ordinary skill in the art to want to achieve bandwidth granularity as suggested by Friesen ([0006], "...to achieve bandwidth granularity...").

As per claim 6, the rejection of claim 3 is incorporated;

Yonemoto discloses

**program control information related to a program requiring only static media data items including still images and text, and program control information related to a program requiring continuous media data items including, audio and video data (Fig. 8, where control information including audio, video; [0305], "...The data transmitted...include the still**

image...text information..." The data transmitted can be the static media data or continuous data as described in the limitation. ).

Yonemoto/Johnson does not specifically disclose assigns a higher distribution priority to program control information related to a program requiring only static media data items, than to program control information related to a program requiring continuous media data items.

However, Friesen discloses assigns a higher distribution priority to program control information related to a program requiring only static media data items, than to program control information related to a program requiring continuous media data items ([0006], "...the low bandwidth streams must receive high priority treatment..." where the static data is consider a low bandwidth compared to continuous data.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Friesen into the teachings of Yonemoto/Johnson to include the limitation disclosed by Friesen. The modification would be obvious to one of ordinary skill in the art to want to achieve bandwidth granularity as suggested by Friesen ([0006], "...to achieve bandwidth granularity...").

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of Johnson (USPTN 7,042,905), further in view of Minter et al. (herein Minter, USPGN 2005/0020240).

As per claim 4, the rejection of claim 3 is incorporated; Yonemoto discloses

**wherein the distributing section distributes the plurality of media data items read from the storing section and the control information to the media receiving apparatus**(Fig. 1 content transmission server stores content; [0164], "Fig. 8 shows a description example of "SMIL"...includes the reproduction information...layout information..." where the SMIL file contains control information. See Fig. 1 for a network transmission environment); Yonemoto/Johnson does not specifically disclose distributes to said media receiving apparatus using a plurality of bearer channels. However, Minter discloses

**distributes to said media receiving apparatus using a plurality of bearer channels**([0021], "...a bearer services channel for transporting...certain control..." where the control is transported using bearer channel. This is basically the idea of in-band signaling).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Minter into the teachings of Yonemoto/Johnson to include the limitation disclosed by Minter. The modification would be obvious to one of ordinary skill in the art to want to use bearer channel to transport control information similar to in-band signaling such that it is simpler to manage since the system only has to manage B-channel instead of both B and D channels.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of Johnson (USPTN 7,042,905) , further in view of Hippeläinen et al. ( herein Hippeläinen, USPN 6,614,797)

As per claim 7, the rejection of claim 3 is incorporated;  
Yonemoto discloses

**When the distribution priorities are associated with the program control information, the media distribution section sets the distribution priorities associated with the program control information and the distribution priorities associated with the pluralities of media data items** ([0164], "Fig. 8 shows a description example of "SMIL"...includes the reproduction information...layout information..." where the SMIL file contains control information. See Fig. 1 for a network transmission environment. [0302], "...a priority of the "TOS field"...according to priority...important data can be transmitted to the receiving terminal more surely..." The TOS field is similar to what applicant has indicated support for the limitation in the specification, page 11. )

Yonemoto/Johnson does not specifically disclose priorities associated with the program control information equal to or lower than all of the distribution priorities associated with the pluralities of media data items.

However, Hippeläinen discloses

**priorities associated with the program control information equal to or lower than all of the distribution priorities associated with the pluralities of media data items** (c7:34-36, "...the data packets are given priorities over the control packets, i.e. they have a higher priority". Where program control information is control information and media data items are considered data. ).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hippeläinen into the teachings of Yonemoto /Johnson to include the limitation disclosed by Hippeläinen. The modification would be obvious to one of ordinary skill in the art to want to guarantee transmission of media data by giving media higher priority.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yonemoto et al. (herein Yonemoto, USPGN 2003/0162495) in view of Schramm et al. ( herein Schramm, USPGN 2006/0031749)

As per claim 9, the rejection of claim 3 is incorporated;

Yonemoto discloses

**wherein the program control information comprises information about a coding method of media data items included in the program**(FIG. 35 for example, Image coding, audio coding...).

Yonemoto/Johnson does not specifically disclose

wherein said program control information comprises a bit rate information.

However,

Schramm discloses

**wherein said program control information comprises a bit rate information**(FIG 11 –see bitrate)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Schramm into the teachings of Yonemoto/Johnson to include the limitation disclosed by Schramm. The modification would be obvious to one of ordinary skill in the art to want to be able to control desired transmission capacity by defining bit rate as desired capacity.

***Response to Arguments***

12. Applicant's arguments related to argued claims have been considered. However, in view of the new 112 issues as raised above in this office action. The examiner maintains rejections of the argued claims. The Applicant appears to intend to claim the limitation corresponding to disclosure in Fig. 3 and 5 as described in specification, for example, [0053-0070]. The claim limitations as presented do not appear to be consistent with the disclosure. The examiner would suggest the Applicant further amend the claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in

any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip Wang/  
Primary Examiner, Art Unit 2191